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EPA to clean up lead in yard soil in N.J.

by Alison Young, USA TODAY

Updated 9/12/2012 9:05 AM

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The Environmental Protection Agency will begin digging up dangerous lead contamination this month around a dozen homes in New Jersey, part of one of the largest state efforts yet to re-examine health risks posed by soil near hundreds of old factory locations identified by a USA TODAY investigation.

Regulators in at least 13 other states have been conducting investigations as a result of the newspaper's "Ghost Factories" series, which revealed the EPA and state agencies had done little over 10 years to examine the toxic fallout left behind by many old lead factories that operated mostly in the 1930s-1960s.

In Edison, N.J., the EPA will spend up to \$1.26 million to replace the soil in local yards. State regulators also have asked the EPA to clean up contamination at a Newark condo complex built atop another factory site.

However, the state has stopped short of conducting soil tests in several other neighborhoods -- even though lead factories once operated directly next to homes or playgrounds there as well, inspection documents obtained under open records laws show. They include the neighborhoods near the former [L.H. Mitchell solder factory](#) in Trenton, which has homes on two sides, and the former [site of Barth Smelting](#) in Newark, which is next to the Terrell Homes public housing complex, its

playground and other houses.

VIDEO: [EPA, state respond to lead smelter sites in New Jersey](#)

Old factories often spewed lead particles into the air, contaminating surrounding properties with the wind-blown fallout, government reports have found. The lead can remain in topsoil for hundreds of years. Studies show that even tiny amounts of lead dust, ingested when children play in contaminated yards and put dusty hands or toys in their mouths, can result in lost intelligence, attention disorders and other health problems.

"I believe we have accomplished a lot," said David Sweeney, an assistant commissioner at the New Jersey Department of Environmental Protection (DEP). He expressed "frustration" with questions about why some neighborhoods got soil tests and others didn't, noting that the state's resources are "very stretched" with 14,500 contaminated sites of all types needing attention.

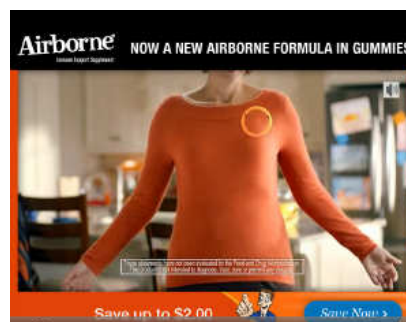
The New Jersey DEP said their risk assessments of 31 sites focused only on areas within a former factory's property boundaries. If a home was built directly atop a portion of the factory property, the state tested soil for contamination. No soil testing was done if homes were merely next to the former factory property.

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It's very difficult "to try to understand after 50 or 100 years how the contamination may have been dispersed out of a stack," said Ken Kloo, a director in the department's site remediation program. "It very possibly may not have been deposited anywhere near the site."

In response to USA TODAY's questions, the EPA now says it plans to test soil at the public housing complex in Newark "as a precaution," even though federal officials had previously signed off on the state's conclusion it wasn't needed. The EPA didn't respond to questions since Aug. 21 about whether further investigation also is needed at the former L.H. Mitchell site in Trenton.

The lack of action at sites with adjacent homes concerns some community advocates. "It's not like the wind has a property boundary," said Elyse Pivnick, director of environmental health for Isles, a community development group in Trenton.

Pivnick said she understands the state has limited money for testing and cleanups, but that once regulators are aware of a danger they should alert residents "so people can at least make choices."

Without the testing, residents in Edison said they wouldn't have known their children were in danger. Angela Rodriguez, 38, said EPA officials told her to get herself and her two children tested for lead poisoning after investigators found her yard was contaminated. Rodriguez said she hadn't received results yet from the doctor. "I'm very concerned," she said. "I don't let them go out in the backyard any more."

The New Jersey DEP said in a written statement that its evaluation of the 31 sites found most are located in areas "dominated" by industrial and commercial land uses. The department said it identified only six sites with the potential to pose significant threats to people.

State-run soil testing is continuing at two sites in Clifton and Verona. At an additional site in Newark, the state's tests detected only low levels of lead and no further action is planned. The sixth site was in Hoboken and investigators said contamination on that property had already been addressed.

In addition, state regulators are requiring the former operator of the U.S. Metals Refining plant in Carteret, N.J., to test soil in neighborhoods near the former factory. Tests performed by USA TODAY found hazardous levels of lead in the area.

Residents in the Edison neighborhood were shocked to learn their yards were contaminated. Many of the large, well-maintained homes were built in the early 1970s.

"Nobody knew there was a lead factory back there," said Maureen Sexton, 67, who has lived in her home for 23 years and in the 1990s enjoyed watching her grandson play with toy soldiers in dirt the government now says isn't safe. "They don't want any kids in the backyard, they don't want any dogs back there," she said.

Her home and several others were built atop a property where government records say the Caswell, Strauss & Co. did smelting in the 1940s-1950s. A commercial self-storage facility was built on another part of the factory property around 1983, records show.

Tests by the EPA also found several homes outside the former factory's property boundaries had dangerously high levels of lead. Twelve homes in the area will receive EPA-funded cleanups over the next six months, the agency said. Residents said the EPA has told them to expect two feet of soil to be removed from their yards by employees wearing white protective suits. The EPA said it will oversee a privately-paid cleanup by owners of the self-storage facility.

Anthony Lin, 30, recalls the "oh, crap" moment when EPA staff told him the yard around the home he grew up in was contaminated. Like other neighbors, Lin says he's worried about how property values will be impacted by the cleanup and how many of the neighborhood's mature trees will have to be removed.

Scott Furman, an attorney for Extra Space Storage, said his clients had no idea a factory once was on their land. Before acquiring the property in 2001, he said, two professional

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environmental site assessments were done and neither found any previous industrial operations at the site. Nonetheless, the firm will take actions this month to eliminate contamination risks from the soil, Furman said.

In Newark, the EPA is still [deciding whether to clean up](#) contaminated soil that the state found on part of the grounds of the Society Hill at University Heights III condominiums, which were built in the 1990s. Some of the townhouses sit atop the former site of the M.C. Canfield & Sons solder factory, which old city directories show operated at the site from at least 1912 into the 1950s. The [state's investigation](#) says it appears metal refining occurred on the site from the late 1800s until the late 1980s.

The condo's board of trustees, in a statement, said they had been unaware of the potential danger: "Obviously, the board takes the issue of possible contamination relayed by the EPA very seriously."

All nine soil samples collected by the state near some condo buildings in March showed lead levels above residential hazard standards; three samples contained nearly 10-times or more the amount deemed dangerous for areas where children play, records show. Elevated levels of copper, zinc and arsenic also were detected. The EPA said it did additional soil samples in August and is awaiting results to determine if a federal cleanup will be done.

The state plans no further investigation at these sites:

Barth Smelting, 99 Chapel St., Newark. Metal refining occurred at this site from at least 1946 until about 1982, records show. Before that, another company made lead batteries here, according to an old fire insurance map. The factory property, is currently occupied by businesses. A playground for the Newark Housing Authority's Terrell Homes, a 275-unit complex built in 1946, is next to the former factory site. Private homes are across the street. Housing authority officials did not respond to calls and emails. The EPA, [which records show](#) had accepted the state's no further action recommendation, now says it will test soil at the public housing complex "as a precaution" even though it "has no reason to believe at this time" that Barth Smelting has contaminated the grounds. The list of old smelter sites given to the EPA in 2001 had listed Barth Smelting at a different address; the state discovered this location investigating the other site.

MetalsDisintegrating, 901 LehighAve., Union, N.J. Beginning in 1916, this company produced copper and tin powders, and in 1919 advertised its manufacturing of lead dust and tin dust. The facility continues to operate under the name ACuPowder International, which produces metal powders and pigments, according to the state's report. The factory property is in a state cleanup program and has a deed restriction because of contamination with lead, copper, nickel and PCBs. Although the state's report noted that homes and a Little League baseball field are adjacent to the site, it recommended to the EPA that no further investigation occur. The EPA disagreed [and the site will get further assessment](#). State regulators were not immediately able to say whether nearby homes' yards had been tested for contamination as part of the private on-site cleanup. ACuPowder president EdulDaver, in an email, said he had no comment .

Magnolia Metal Co. - Bayway Smelting, 120 Bayway, Elizabeth, N.J. A historical fire insurance map shows the company operated a foundry at this site, which was also listed in industry directories as a lead smelter and solder maker during at least the 1940s. State inspectors took photos of nearby homes and [included them in their investigation file](#) . But the department concluded that no further investigation was needed because the Magnolia Metal property is near another property that was involved in a private cleanup and both sites are now capped by a cold storage warehouse. It's unclear whether the homes' yards -- which are not directly on the factory property -- were ever investigated.

Orchard Refining and Smelting Works, 319 Chestnut, Newark, N.J. State investigators [noted in their report](#) that 35-40 row homes exist within 200 feet of this former lead factory site, but the EPA signed off on their conclusion that no further assessment was needed.

L.H. Mitchell Co., 216 Klagg Ave., Trenton, N.J. An auto repair shop now occupies the former solder factory site, which is adjacent to homes. The factory was listed in city

directories from at least 1952-1960. The [EPA signed off on the state's conclusion](#) that no further investigation was needed.

Sweeney, the assistant commissioner at the New Jersey DEP, said the department did as much as it could given its resources. "As much as we had done to respond to the issues raised in your article, it doesn't seem like you think we've done enough," Sweeney said. "The amount of work that's out there to be done is daunting."

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17 comments

[Add a comment](#)**William Chamberlain** · Top Commenter

Just more proof that big business will regulate and police their industries, we don't need an EPA! Am I right? Sarcasm from the top.

[Reply](#) · [6](#) · [Like](#) · September 12, 2012 at 6:36am

**Tom Kane** · Top Commenter · Springfield, Missouri

Businesses are willing to pay dearly for a weakened EPA and for lessening pollution standards. They have an ally on one side of the political aisle, while kids unknowingly playing in lead-laced sand have an ally on the other side of the political aisle.

[Reply](#) · [4](#) · [Like](#) · September 12, 2012 at 6:49am

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**Dan Doughty** · Top Commenter · Works at Retired

BEFORE THE EPA there were several GOVERNMENT agencies controlling numerous environmental concerns... AS FAR BACK as the 40's and 50's. It's no secret that

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**Andrew P.**

The GOP is calling for a weakened EPA and less environmental regulations. Does that show that protecting public health would have priority or would corporate profits always prevail in a presumptive Romney Administration?
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[Reply](#) · [2](#) · [Like](#) · September 12, 2012 at 9:44am**Chris Reising** · Top Commenter · Indiana University Northwest

Romney/Ryan care for the kid before he's born, after that it is a caveat emptor world.

[Reply](#) · [1](#) · [Like](#) · September 12, 2012 at 12:04pm

**Dan Doughty** · Top Commenter · Works at Retired

Maybe they want an EFFICIENT EPA and environmental regulations.... Not "WEAKENED". How'd that BIG GOVERNMENT WORK OUT FOR YA SO FAR?

[Reply](#) · [Like](#) · September 12, 2012 at 1:19pm

**Chris Reising** · Top Commenter · Indiana University Northwest

Dan Doughty

Maybe but unlikely. Are they going to cut the defense budget because they want a efficient military not a weakened military?? If these factories had been built during the era of "big government" maybe the land would not be so polluted.

[Reply](#) · [Like](#) · September 12, 2012 at 1:45pm

**Dan Doughty** · Top Commenter · Works at Retired

Let me understand this.... WE, the TAXPAYERS should pay for the "clean-up" of these and who knows how many other places, that operated decades ago, run by private business, because WHY? What share should the owners, their heirs, and the employees of those companies pay towards the clean-up? They ALL made money while polluting the soil with lead....

[Reply](#) · [1](#) · [Like](#) · September 12, 2012 at 1:08pm

**Clean Popo**

Destruction is so easy. Rebuilding takes so long...

[Reply](#) · [Like](#) · October 8, 2012 at 3:13pm

**Ken Bauer** · Top Commenter · Owner at Bauer Painting

One way the EPA can lower their costs for this clean-up is to have everyone that wants to get rid of the EPA pay for their own clean-up. I am surprised that Gov. Christie has not told the EPA to stay out of New Jersey's business and that they would pay for the clean-up from state funds. He does believe in a small federal government right?

So the Republicans want small government until they want the federal government to take care of them. Gov. Jindal begged for money after hurricane Isaac and I have not heard Gov. Christie ask the federal government to keep their money. I am sure all of the Tea Party members will remember this hypocrisy and vote against them.

[Reply](#) · [Like](#) · September 13, 2012 at 3:20am

**Will McLaughlin** · Top Commenter

Why was my initial comment on this story edited out? All I said was they should have independent testers test their soils, I also recommended the residents pooling their money to cover the test costs and if the tests came back positive to sue the State of NJ, and also the EPA. Would the editor please explain why that was removed.

[Reply](#) · [Like](#) · September 12, 2012 at 8:27am

**Chris Reising** · Top Commenter · Indiana University Northwest

If you are going to sue anyone it would be the previous owners of the now defunct factories.